

National Transportation Safety Board

§ 831.9

The investigation includes the field investigation, report preparation, and, where ordered, the public hearing. Accident investigations are factfinding proceedings with no formal issues and no adverse parties and are not subject to the provisions of the Administrative Procedure Act (Pub. L. 89-554, 80 Stat. 384 (5 U.S.C. 554 *et seq.*)). Such investigations are not conducted for the purpose of determining the rights or liabilities of any person.

§ 831.5 Priority of Board investigations.

Any investigation of an accident (except marine)² conducted by the Safety Board shall have priority over all other investigations of such accident conducted by other Federal agencies. The Safety Board shall provide for the appropriate participation by other Federal agencies in any such investigation, except that such agencies may not participate in the Safety Board's determination of the probable cause of the accident. Nothing in this section impairs the authority of other Federal agencies to conduct investigations of an accident under applicable provisions of law or to obtain information directly from parties involved in, and witnesses to, the transportation accident. The Safety Board and other Federal agencies shall assure that appropriate information obtained or developed in the course of their investigations is exchanged in a timely manner.

§ 831.6 Request to withhold information.

Any person may make written objection to the public disclosure of information contained in any report or document filed, or of information obtained by the Board, stating the grounds for such objection. The Board, on its own initiative or if such objection is made, may order such information withheld from public disclosure when, in its judgment, the information can be withheld under the provisions of an exemption to the Freedom of Information Act (Pub. L. 93-502, amending 5 U.S.C. 552)

²The joint regulations of the Board and Coast Guard for the investigation of marine casualties are set forth in part 850 of this chapter.

and its release is not found to be in the public interest (see part 801).

§ 831.7 Right of representation.

Any person interrogated by an authorized representative of the Board during the field investigation shall be accorded the right to be accompanied, represented, or advised by counsel or by any other duly qualified representative.

§ 831.8 Investigator-in-charge.

The designated investigator-in-charge organizes, conducts, and controls the field phase of investigation. He shall assume responsibility for the supervision and coordination of all resources and of the activities of all personnel, both Board and non-Board, involved in the onsite investigation.

§ 831.9 Authority of Board representatives.

(a) *General.* Any employee of the Board, upon presenting appropriate credentials is authorized to enter any property wherein a transportation accident has occurred or wreckage from any such accident is located and do all things necessary for proper investigation. Upon demand of an authorized representative of the Board and presentation of credentials issued to such representative, any Government agency, or person having possession or control of any transportation vehicle or component thereof, any facility, equipment, process or controls, relevant to the investigation, or any pertinent records and memoranda, including all documents, papers, medical files, hospital records, and correspondence now or hereafter existing and kept or required to be kept, shall forthwith permit inspection, photographing, or copying thereof by such authorized representative for the purpose of investigating an aircraft accident/incident, other accident, overdue aircraft, study, or investigation pertaining to safety or the prevention of accidents. Authorized representatives of the Board may interrogate any person having knowledge relevant to an aircraft accident/incident, other accident overdue aircraft, study, or special investigation.

(b) *Aviation.* Any employee of the Board, upon presenting appropriate